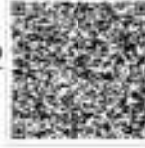


2024:PHHC:167802



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.115

CRM-M-62362-2024

Date of decision:16.12.2024

Surender Kumar

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to set aside the orders dated 11.10.2024, 30.10.2024 and 19.11.2024 (Annexures P-3 to P-5, respectively) passed by the Additional District & Sessions Judge, Sonapat, whereby the bail order of the petitioner was cancelled and the bail bonds and surety bonds of the petitioner were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest in case FIR No. 229 dated 13.05.2020 under Sections 120-B/409/420 IPC (Sections 7 and 13(1)(d) of Prevention of Corruption Act, 1988 added later on) registered at Police Station Sadar, Sonipat.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on 13.05.2020 and thereafter, he was ordered to be released on bail. Learned counsel further contends that the petitioner was

regularly appearing before the trial court during the course of trial. However, due to noting of wrong date, he could not appear before the trial court on 22.07.2024. Due to non-appearance of the petitioner, the trial Court had cancelled his bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. On 02.09.2024, the petitioner surrendered before the trial Court and the petitioner was re-admitted to bail on furnishing bail bonds and was directed to appear on 11.10.2024 for furnishing surety bonds. However, the petitioner again failed to appear before the trial Court on account of noting wrong date, i.e. 10.11.2024 instead of 11.10.2024, resulting into cancellation of his bail and forfeiture of bail bonds and surety bonds and again his non-bailable warrants of arrest were issued. Learned counsel further submits that the non appearance of the petitioner was unintentional and he is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. Rajinder Kumar Banku, DAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the trial Court and there is no illegality in the impugned orders passed by the Court of Additional Sessions Judge, Sonipat.

6. I have heard the learned counsel for the parties and perused the record.

7. It is apparent that the FIR in the present case was registered in the year 2020 and the petitioner is facing the prosecution since then. From the record, it is apparent that on 22.07.2024 and 11.10.2024, the petitioner could not appear before the trial Court and the trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State.

8. Taking a lenient view of the matter, the prayer made by learned counsel for the petitioner is accepted and the petitioner is permitted to surrender before the Additional Sessions Judge, Sonapat/trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

9. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

10. The trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

11. The petition stands allowed in the above terms.

(N.S. SHEKHAWAT)
JUDGE